

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, JUNE 7, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en bettie.greenberg@cityofloveland.org o al 970-962-3319”.

Please Note: Starting times shown on agenda are estimates only; actual times may vary.

(5:00 P.M.) DINNER – City Manager’s Conference Room

(6:00 P.M.) REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING JUNE 20 - 24, 2016 AS BIKE WEEK (David Hollingsed, PEDAL)

PROCLAMATION HONORING TOM BUCHANAN (Dorie Buchanan)

INTRODUCTION OF POLICE CHIEF, BOB TICER

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. Members of the public will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight’s meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers.

Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

(6:30) CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion To Approve City Council Minutes For the May 10, 2016 Study Session.

This is an administrative action item to approve the City Council minutes for the May 10, 2016 study session.

2. **CITY MANAGER** (presenter: Bill Cahill)

APPOINTMENT TO THE CITIZENS FINANCE ADVISORY COMMISSION

1. A motion to appoint Steve Olson to the Citizens' Finance Advisory Commission for a term effective until December 31, 2018.

This is an administrative item appointing members to the Citizens' Finance Advisory Commission.

3. **NORTHERN COLORADO REGIONAL AIRPORT** (presenter: Jason Licon)

PUBLIC COMMENT

AIRPORT IGA AMENDMENTS

1) A Motion To Approve On Second Reading, Ordinance #6016 For The First Amendment To The Amended And Restated Intergovernmental Agreement For The Joint Operation Of The, Fort Collins-Loveland Municipal Airport, To Be Henceforth Known As The Northern Colorado Regional Airport And Ratification Of Previous Actions

2) A Motion To Approve On Second Reading, Ordinance #6017 Amending Portions Of The Loveland Municipal Code Concerning The Northern Colorado Regional Airport

This is an administrative action to adopt two ordinances involving the Northern Colorado Regional Airport Commission. The first ordinance amends the Amended and Restated Intergovernmental Agreement for the joint operation of the Airport for the Northern Colorado Regional Airport Commission to delegate, within specific parameters, the authority for the Airport Commission to enter into longer lease agreements, grant agreements, and make expenditures for Airport needs from appropriated, but unassigned reserves. This ordinance also corrects a procedural defect by ratifying all actions taken pursuant to the Airport IGA dated January 22, 2015. The second ordinance changes certain other provisions of the City Code related to the Airport, particularly the delegation of powers and the change of the airport name.

4. **CITY MANAGER** (presenter: Alan Krcmarik)

PUBLIC COMMENT

INVESTMENT POLICY CORRECTION

A Motion To Approve On Second Reading, Ordinance #6018 Amending The City Of Loveland Investment Policy

This is a legislative action to consider a technical amendment to correct a prior amendment to the City's Investment Policy. In the fall of 2015, the Citizens' Finance Advisory Commission ("CFAC") reviewed the Investment Policy and recommended a few changes to the City Council. Council adopted the changes on second reading on January 5, 2016. The form of the amendments presented to Council did not capture all of the limitations on the investments allows under Section VIII. of the policy. The CFAC intended to limit investments by an expressed dollar amount **and** as a percentage of the total portfolio. As previously adopted the percentage limitations were inadvertently omitted.

5. **CULTURAL SERVICES** (presenter: Bryan Zellmer)
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION FOR CULTURAL DONATIONS
A Motion To Approve On First Reading, An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for the Foote Lagoon Concert Series, the Rialto Theater Center Arts & Education Programs and the Rialto Theater Center Cinema Series.
 Donations have been received from Kaiser Permanente to fund the Foote Lagoon Series (\$20,000) and the Iva McKee Charitable Trust to fund the Arts & Education Programs (\$28,000) and the Cinema Series (\$12,000). These programs would not be possible without these donations.
6. **MUNICIPAL COURT** (presenter: Geri Joneson)
PUBLIC COMMENT
COURT SURCHARGE FEES
A Motion To Approve On First Reading, An Ordinance To Amend Chapter 1.12.010, Subsection C, Of The Loveland Municipal Code To Include Municipal Court Justice Programs As A Recipient Of 30% Of The Total Surcharge Collected
 This is an administrative item. In February, a committee reviewed the use of a surcharge that has funded Alternative Dispute Resolution Programs and more recently, Traffic Safety and Enforcement Programs. The committee agreed that Municipal Court Justice Programs were valuable sentencing alternatives that benefit offenders and the community. It was further agreed that funding could be achieved by allocating 30% of the total annual surcharge to Municipal Court Justice Programs. The remaining 70% would be allocated to Traffic Safety and Enforcement. This would be a simple redistribution of funds with no financial consequence nor impact to the budget.
7. **PUBLIC WORKS** (presenter: Jeff Bailey)
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION BYRD DRIVE
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Byrd Drive Roadway Connection
 City Council approval is necessary to appropriate the funds to authorize the use of City of Loveland and Colorado Department of Transportation (CDOT) funds to construct the missing segment of Byrd Drive between Crossroads Blvd and Earhart Road. Council approved the Intergovernmental Agreement (IGA) at the May 6th, 2016 Council Session which accepted the CDOT funds and conditions to be used to construct the missing segment of roadway. The developer, Byrd Drive Development, LLC, will be responsible for constructing Byrd Drive by the time CDOT needs to remove the Frontage Road. This request is included in a development agreement that has been finalized with the developer.
- | | |
|-----------------------------|------------------|
| <u>Project Funds</u> | |
| CDOT Granted Funds | = \$1,100,000.00 |
| City Provided Project Funds | = \$ 588,000.00 |
| Anticipated Developer Funds | = \$ 591,844.00 |
8. **CITY CLERK** (presenter: Terry Andrews)
PUBLIC COMMENT
DDA ELECTION
 1) **A Motion To Approve Resolution #R-38-2016 Of The Loveland City Council Authorizing The City Clerk To Notify The Larimer County Clerk And Recorder Of The City Of Loveland's Intention To Participate In The Statewide Election To Be Held On November 8, 2016, as a coordinated election with the County**

2) A Motion To Approve On First Reading, An Ordinance Calling for a Special Election To Be Held November 8, 2016 Which Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder and, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern

The proposed resolution is an administrative action authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to participate in a coordinated election with the County on November 8, 2016.

The proposed Ordinance is a legislative action needed to allow the City to conduct a special election on November 8, 2016 as a coordinated election with the Larimer County Clerk and Recorder.

**9. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)
CDBG REALLOCATION**

A Motion To Approve Resolution #R-39-2016 Approving the Grant Funding Recommendation of the Loveland Affordable Housing Commission for the Reallocation of Certain Community Development Block Grant Funds

This is an administrative action by the Affordable Housing Commission to recommend to City Council reallocation of \$18,930 of 2015-2016 Community Development Block Grant (CDBG) funds to Elderhaus Adult Day Program to purchase HVAC equipment for its new day center. These CDBG funds became available due to recipient Live the Victory, dba The Matthews House's (Matthews House) inability to use the funds awarded to create new office space at the House of Neighborly Service Life Center. Funds were allocated by the U.S. Department of Housing and Urban Development (HUD) and were initially appropriated in the 2015 City Budget and rolled over to the 2016 City Budget.

**10. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)
HUMAN SERVICES GRANT ALLOCATION**

A Motion To Approve Resolution #R-40-2016 Approving the 2016 Grant Funding Recommendation of the Loveland Human Services Commission

This is an administrative action to consider the 2016 grant allocation recommendation of the Human Services Commission totaling \$550,411. The attached staff report describes how the commission members made their decision.

**11. COMMUNITY PARTNERSHIP OFFICE (presenter: Alan Krcmarik)
PAB ASSIGNMENT MAPLE TERRACE**

A Motion To Approve Resolution #R-41-2016 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2016

This is an administrative action. This Resolution will authorize the assignment of all of the City's 2016 private activity bond allocation in the amount of \$3,649,150 to the Housing Authority of the City of Loveland ("HACOL" or the "Authority") for the purpose of issuing bonds or a revenue note for the 130-unit rental housing Maple Terrace Apartments Project (the "Project") to be acquired, rehabilitated, and equipped by Maple Terrace Investors, an affiliate of GHC Housing Partners. The private activity bond assignment is not a cash contribution. It allows the funding for an eligible project to come from the issuance of bonds, a loan, or a note. The Project is an affordable housing project and meets the federal and state requirements for the use of Private Activity Bond financing and federal tax credits. The City's 2016 allocation will be combined with other allocations to reach a total principal amount of \$14 million. The other sources will be from an allocation from the state-wide balance, an assignment of allocation from Larimer County, and from a previously assigned allocation from the City of Loveland in 2014. The City of Loveland will not have any financial responsibility for the repayment of the bonds or note issued for the project. The Project will be responsible to make the bond or note payments.

12. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alan Krcmarik)
TEFRA MAPLE TERRACE
A Motion To Approve Resolution #R-42-2016 Approving The Issuance Of A Multifamily Housing Revenue Note By The Housing Authority Of The City Of Loveland
This is an administrative action approving a tax-exempt financing of not more than \$14,000,000 of a Multi-family Revenue Note by the Housing Authority of the City of Loveland. The proceeds of the revenue note will be loaned to Maple Terrace Investors LLC, an affiliate of GHC Housing Partners, to provide funds to finance a portion of the cost of acquisition, rehabilitation, and equipping of a 130-unit multi-family rental project located at 574 E. 23rd Street in Loveland. Rent proceeds and other revenues of the Project will be the source of repayment for the Note. In no event shall the City of Loveland or any other political subdivision of the State of Colorado be liable for the repayment of the Note nor shall the Note constitute a debt of the State of Colorado or the City of Loveland or any other such political subdivision.
13. **MUNICIPAL COURT** (presenter: Vince Junglas)
TEEN COURT IGA WITH THOMPSON SCHOOL DISTRICT
A Motion To Approve Resolution #R-43-2016 Approving An Amended Intergovernmental Agreement Between The City Of Loveland, A Home Rule Municipality, And The Thompson School District R-2J For Operation Of The Loveland Municipal Teen Court Program
This is an administrative action to consider a resolution approving an amended Intergovernmental Agreement (“IGA”) for operation of a municipal Teen Court program. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson School District (“the District”). The amended IGA between the City and the District includes operational provisions and provides funding for the program, the City will contribute an amount not to exceed \$5,000 for the operation of the program in the 2016-2017 school year. The funds will cover a portion of the District’s administrative, operational, and personnel costs incurred in connection with the program. The District has approved the amended IGA. Partial funds in the amount of \$3000 for the aforementioned purpose are included in the 2016 Municipal Court Budget.
Partial funds in the amount of three thousand (\$3,000) dollars per year have been appropriated as part of the 2016 Municipal Court Budget. An additional two thousand (\$2,000) dollars will be paid out of the Loveland Municipal Court Professional Services Account, 100-13-115-0000-43450, which has a current balance of nine thousand one hundred (\$9,100) dollars. Payment to the District occurs in two installments of two thousand five hundred (\$2,500) dollars for each semester.
14. **LOVELAND POLICE DEPARTMENT** (presenter: Tim Brown)
JAG GRANT
A Motion For Approval Of Staff Application For A Federal Justice Assistance Grant
This is an administrative action. The Federal JAG grant of \$16,451 for the Police Department will fund overtime for Detectives in the Special Investigations Unit at the Northern Colorado Drug Task Force. There is no match.
15. **HUMAN RESOURCES** (presenter: Julia Holland)
SPECIAL MEETING ON JUNE 28, 2016
A Motion calling for a Special meeting to be held at 6:30 p.m. or as soon as possible thereafter, in these Council Chambers, following the regularly scheduled Study session on June 28, 2016. The purpose of the special meeting is to call an Executive Session as allowed by CRS section 24-6-402(4)(f)(I) and Charter Section 4-4(c)(5) concerning personnel matters to conduct the annual performance evaluation

interviews with the City Attorney, Municipal Judge and City Manager

This is an administrative action to call for a Special meeting, which may include Executive Sessions per 24-6-402 C.R.S. The Special meeting will begin immediately following the Study Session on June 28, 2016. The purpose of this Special meeting is to conduct annual evaluation interviews with Council's appointed positions City Manager, City Attorney and Municipal Judge.

16. HUMAN RESOURCES (presenter: Julia Holland)

WORKERS' COMPENSATION RENEWAL

A Motion to award the City's Workers' Compensation Coverage to Pinnacol Assurance and Authorize the City Manager to enter into a contract with Pinnacol, execute security and collateral agreements required in connection with the contract, and establish a purchase order in the Amount of \$1,350,000.

This is an administrative action to authorize the City Manager to enter into contract with Pinnacol Assurance for July 2016 through July 2017 Workers' Compensation coverage, which includes premium costs and claims payable from prior years. The City's insurance broker took the Workers' Compensation coverage to market for bids. Pinnacol was the only carrier to provide a quote.

17. CITY MANAGER (presenter: Jeff Bailey)

TRAIN HORN NOISE

A Motion To Authorize Official City Comment On The Train Horn Rule To Be Published On The Federal Railroad Administration Website

This is an administrative action. 49 CFR part 222 – Use of Locomotive Horns at Public Highway-Rail Grade Crossings (Rule), also known as the Train Horn Rule, was opened for public comment on March 7, 2016, by the Federal Railroad Administration (FRA). The attached letter contains comments directly related to train horn impacts upon the city and recommends avenues for relief. Staff is requesting that Council adopt the language in the attached letter from City Manager Cahill as the City's formal comments on the Rule. After approval, the comment letter will be uploaded to the FRA's comment website for their review and consideration. The deadline for providing public comment on the Rule is July 5, 2016.

18. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)

ENA WITH BRINKMAN

A Motion Approving The First Amendment to the Exclusive Negotiation Agreement With Brinkman Capital, LLC For The South Catalyst Project And Authorizing The Execution Of Said Amendment

This is an administrative action directing the City Manager to sign the amendment to the Exclusive Negotiation Agreement (ENA) with the Brinkman Capital, LLC (Brinkman) for the South Catalyst Project. The initial agreement (see attached) was on the Council agenda for February 2, 2016, however the meeting was cancelled due to a snow storm and the final approval was delayed by two weeks. The First Amendment to the Exclusive Negotiation Agreement (see attached) reflects the initial two week delay to the start of the ENA; and changes the deadline for the completion of the preliminary terms of the agreement from August 2, 2016 to August 16, 2016. Because there is no administrative extension allowed under the original agreement, this amendment is required to go before City Council for consideration.

19. FINANCE (presenter: Brent Worthington)

APRIL 2016 FINANCIAL REPORT

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending April 30, 2016.

20. CITY MANAGER (presenter: Alan Krcmarik)
APRIL 2016 INVESTMENT REPORT

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the April monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.28%, for total assets the yield was 1.16%. For year-to-date, total earnings of \$551,093 were posted to City fund accounts. U.S. short-term Treasury interest rates rose slightly in April; the portfolio's change in unrealized gain for the year-to-date was \$1.74 million. The end of April portfolio market value is estimated to be \$217.9 million. The total market value of the portfolio is now higher than the end of 2015 by about \$646,800. The peak amount for the portfolio was reached before the 2013 flood when it had estimated market value of \$226.3 million.

END OF CONSENT AGENDA

(6:40) CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:50) PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

(7:10) 21. CITY ATTORNEY (presenter: Tami Yellico)
PUBLIC HEARING

COUNTY ANIMAL SHELTER FEE WAIVERS

A Motion To Approve On Second Reading, Ordinance #6019 Granting Larimer County An Exemption From Certain Capital Expansion Fees And Other Development Fees For The Larimer County Animal Shelter Project And Authorizing The City Manager To Enter Into An Intergovernmental Agreement With The County For The Payment Of The Remainder Of The Fees

This is an administrative action to consider approving an Ordinance Granting Larimer County an Exemption from Certain Capital Expansion Fees and other Development Fees for the Larimer County Animal Shelter Project.

Staff will update City Council on discussions with Larimer County regarding waiving certain capital expansion fees (CEFs) and other impacts fees assessed to Larimer County by the City in the amount of approximately \$92,307.90 for the construction of a new animal shelter within the City and not to require reimbursement of such fees to the CEFs by the general fund or other fund.

- (7:20) 22. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
WATERS EDGE ADDITION ANNEXATION
1. **A Motion To Approve Resolution #R-44-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Waters Edge Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute**
 2. **A Motion To Approve On First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Waters Edge Addition" To The City Of Loveland**
 3. **A Motion To Approve On First Reading, An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Waters Edge Addition" To The City Of Loveland**
- This is a public hearing to consider the following items on first reading:
- A legislative action to adopt a resolution and ordinance to annex 82.6 acres of property to be known as the Waters Edge Addition; and
 - A quasi-judicial action to zone the 82.6 acres to R1 Developing Low Density Residential District.
- The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. The applicant is Lynda Beierwaltes with Luxor, LLC.
- (8:30) 23. **YOUTH ADVISORY COMMISSION** (presenters: Beth Gudmestad)
PUBLIC HEARING
ELECTRONIC SMOKING DEVICE RESTRICTIONS
- Option 1. A Motion To Approve On First Reading, An Ordinance Amending Chapter 7.40 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned Facilities**
- Option 2. A Motion To Approve On First Reading, An Ordinance Amending Sections 7.40.020 And 7.40.030 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Public Places**
- This is a legislative item providing two alternative and mutually exclusive ordinances to prohibit the use of electronic smoking devices in public places. The Youth Advisory Commission Ordinance seeks to treat all emissions from electronic smoking devices the same as conventional tobacco smoke and the Council Directed Ordinance seeks to prohibit emissions from electronic smoking devices only within City buildings.
- (9:30) 24. **CITY ATTORNEY** (presenter: Tami Yellico)
MUNICIPAL JUDGE PERSONNEL MATTERS
Motion to go into Executive Session related to personnel matters concerning the performance, pay, and benefits of the Municipal Judge
- This is an administrative action. The purpose of the Executive Session is to discuss personnel matters concerning the performance, pay, and benefits of the Municipal Judge.
- (10:00) 25. **HUMAN RESOURCES** (presenter: Julia Holland)
CITY COUNCIL EMPLOYEE PERFORMANCE EVALUATIONS
A motion calling an executive session as allowed by CRS section 24-6-402(4)(f)(I) and Charter Section 4-4(c)(5) concerning personnel matters to conduct the annual performance reviews for the City Attorney, Municipal Judge and City Manager.
- This is an administrative action for Council to conduct an executive session on June 7, 2016, for the annual review of performance for the City Attorney, Municipal Judge and City Manager.

BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN